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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR          | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|-------------------------------|---------------------|------------------|
| 09/763,843   | 02/27/2001  | Wilhelmus Johannes Van Houtum | PHN 17.510          | 5189             |
| 24737  | 7590        | 08/19/2005                    | EXAMINER            |                  |
| PHILIPS INTELLECTUAL PROPERTY & STANDARDS<br>P.O. BOX 3001<br>BRIARCLIFF MANOR, NY 10510 |             |                               | JAIN, RAJ K         |                  |
|  |             |                               | ART UNIT            | PAPER NUMBER     |
|  |             |                               | 2664                |                  |

DATE MAILED: 08/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                        |  |                     |  |
|------------------------------|------------------------|--|---------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b> |  | <b>Applicant(s)</b> |  |
|                              | 09/763,843             |  | VAN HOUTUM ET AL.   |  |
|                              | <b>Examiner</b>        |  | <b>Art Unit</b>     |  |
|                              | Raj Jain               |  | 2664                |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 05 July 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 February 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
     If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☐ All    b) ☐ Some \* c) ☒ None of:  
         1. ☒ Certified copies of the priority documents have been received.  
         2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
         3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
     \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
     a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                             | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other:  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-9 are rejected under 35 U.S.C. 102(e) as being anticipated by Nystrom et al (US006526091B1).

Regarding claim(s) 1, 4 and 7, Nystrom discloses a method and apparatus for synchronizing a secondary (120) (Fig 2) station with a primary station (110), the primary station and the secondary station exchanging CDMA signals via a communication medium (see abstract, Fig 4, col 3 lines 14-20 col 4 line 67), the method comprising the steps of:

-modulating (810) (Fig 8) a data signal with an initial code word in order to obtain an initial CDMA signal and transmitting the initial CDMA signal to the primary station until synchronization with the primary station is obtained (see Fig 8, col 15 lines 1-20, a generator 802 produces a special sequence that is provided to a generator 804 for producing a set of S-Hadamard code words. The initial code word or the S-Hadamard code word once generated is passed thru the selector and into the modulator 810 that

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than produces the signal for transmission, synchronization for the initial code word is accomplished by primary synchronization code (PSC) see Fig 4 col 6 lines 8-15, with the remote terminal via matched filter at the receiving terminal);

- modulating the data signal with a final code word in order to obtain a final CDMA signal and transmitting the final CDMA signal after synchronization with the primary station has been obtained, characterized in that the initial code word is substantially orthogonal to the final code word for every possible time shift of the initial code word (see Figs 3-5, col 6 lines 63 – col 7 line 27, the modulated signal with final code word is substantially orthogonal to the initial code word for every possible time shift using coherent combination for all possible code words see specifically col 7 lines 19-25. Secondary synchronization is performed by the secondary synchronization code (SSC) that may be different for each base station within a network. Final code word synchronization may be achieved with the SSC by scanning for the SSC's within a given network area that combined with matched filters corresponding to a candidates SSC's, see col 6 lines 19-35.)).

Regarding claim(s) 2, 5 and 8, Nystrom discloses a method of synchronizing a secondary station with a primary station wherein all symbol values of the initial code word are equal to each other (see col 10 lines 63- col 11 lines 18, all initial symbol values are equal for an given matrix with  $i=j$  sequences as shown).

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Regarding claim(s) 3, 6 and 9, Nystrom discloses the use of Walsh-Hadamard codes (see col 4 lines 21-30), and the initial code word is first row or first column (see col 11 line 19-25).

### ***Response to Arguments***

Applicant's arguments filed 7/5/05 have been fully considered but they are not persuasive. The examiner has attempted to clarify the reasoning of the rejections by further explaining the interpretation of the prior art and respectfully resubmits the Office Action for consideration by Applicant.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Raj Jain whose telephone number is 571-272-3145.

The examiner can normally be reached on M-F.

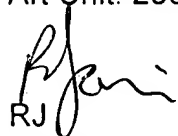
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wellington Chin can be reached on 571-272-3134. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9306 for regular communications and (703) 872-9306 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-2600.

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RJ

August 16, 2005